

APR 13 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90182

ORDER**KOZINSKI**, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge should have recused himself from complainant's civil cases because he presided over complainant's related habeas petition. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). A misconduct complaint is not the proper vehicle for challenging a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982). Moreover, it's common for a district court to manage judicial resources by assigning one judge to related cases.

Complainant's request to treat his second habeas petition as a first petition is not cognizable under the misconduct complaint procedure. See Judicial-Conduct Rule 3(h).

DISMISSED.